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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,753	01/11/2002	Donna Joy Guinn	98500/1098	9674

7590 05/19/2005

KATTEN MUCHIN ZAVIS  
Attention: Patent Administrator  
Suite 1600  
525 West Monroe Street  
Chicago, IL 60661-3693

EXAMINER
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KUMAR, PREETI

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/045,753

**Applicant(s)**

GUINN, DONNA JOY

**Examiner**

Preeti Kumar

**Art Unit**

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Non-Final Rejection After RCE***

1. Claims 1-13 are pending. Claims 1, 7 and 13 are independent.

***Response to Amendments***

2. The rejection of claims 1, 5, 7 and 11 under 35 U.S.C. 102(b) as anticipated by Kneip et al. (US 5,702,490) is withdrawn in light of applicants amendment to the claims.
3. The rejection of claims 1-13 under 35 U.S.C. 103(a) as being unpatentable over Kneip et al. (US 5,702,490) is withdrawn in light of applicants amendment to the claims.

Applicant's arguments filed 3/7/2005 have been fully considered but they are moot in light of the new grounds of rejection below.

***New Grounds of Rejection***

4. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kneip et al. (US 5,702,490) in view of Liles et al. (US 5,321,075).

Kneip et al. teach treatment of leather and skins for water repellency in aqueous emulsion in the presence of emulsifiers with polysiloxanes. See abstract. Kneip et al. teach that the polysiloxanes encompasses mixtures of branched, siloxanes, cyclic siloxanes and crosslinked siloxanes. See col.2, ln.44-45.

Kneip et al. advise to dilute the emulsions (concentrates) with water in a ratio of from 1:2 to 1:5 and to add the working liqure during the water repellent treatment of the leather. See col.3,ln.50-53.

In the example, please see col.5, ln.30-50 where Kneip et al teach that chrome-tanned side leather (wet blues) was drummed for 90 minutes in a tanning vessel with

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4% by weight of commercial mimosa extract, 4% by weight of a commercial synthetic tanning agent based on phenolsulfonic acid/formaldehyde condensate, 3% by weight of a commercial polymer tanning agent and 2% by weight of a commercial leather dye, the percentages in each case being based on the shaved weight. Drumming was then carried out with 8% by weight, based on the shaved weight, of each of the water repellent emulsions from Example 1 and Example 2 for 90 minutes, and the working liquor acidified to a pH of 3.8 with formic acid, after which washing was carried out. Finally, mineral salt fixation was effected with 3% by weight of a commercial chrome tanning agent for 90 minutes in the tanning vessel. The leathers were washed, mechanically set out and dried. The resulting leathers were soft, had a pleasant handle and could be readily finished. See col.5, ln.30-50.

Kneip et al. do not specifically teach that the silicon emulsion consists essentially of pre-cured silicone as recited by the instant claims.

Liles et al. teach a process of mixing an emulsion of polydiorganosiloxane and a crosslinker, resulting in the production of a crosslinked polymer. The reaction is allowed to proceed until the emulsion gives an elastomer upon removal of the water. This emulsion can be used to give a coating of a crosslinked polydiorganosiloxane. Such an emulsion could be used for the treatment of paper or fabrics. See col.6,ln.30-50.

It would have been obvious to one of ordinary skill in the art, to arrive at a method of treating textile to impart water resistance comprising the step of applying a pre-cured/crosslinked silicone as recited by the instant claims, because the teachings of Kneip et al. suggest treating leather with an aqueous emulsion in the presence of

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emulsifiers with polysiloxanes which encompass crosslinked siloxanes and Liles et al. provide motivation to treat various textiles with crosslinked siloxanes in general. One of ordinary skill in the art would have been motivated to combine the teachings of Kneip et al. with that of Liles et al. since both references suggest coating textile with crosslinked siloxanes.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PK

Preeti Kumar  
Examiner  
Art Unit 1751

**MARGARET EINSMANN**  
**PRIMARY EXAMINER**  
**GROUP 1100**

*Margaret Einsmann*